

# *JOURNAL OF THE HOUSE*

## *NINETY-SIXTH SESSION*

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TWENTY-EIGHTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 25, 2021

The House convened at 1:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Craig Wexler, followed by the Pledge of Allegiance led by House pages Kaitlyn Ellis and William Goscicki.

Roll Call: All members present except Reps. Beal and Lesmeister who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Spencer R. Gosch, Chair

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**COMMUNICATIONS AND PETITIONS**

2 February 24, 2021

3 Mr. Speaker and Members of the House:

4 I have the honor to inform you that on February 24, 2021, I approved House Bill 1051, and  
5 the same has been deposited in the office of the Secretary of State.

6

Respectfully submitted,  
Kristi Noem  
Governor

7

8

9 February 24, 2021

10 Mr. Speaker and Members of the House:

11 I have the honor to inform you that on February 24, 2021, I approved House Bills 1035 and  
12 1042, and the same have been deposited in the office of the Secretary of State.

13

Respectfully submitted,  
Kristi Noem  
Governor

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15

16 February 25, 2021

17 Mr. Speaker and Members of the House:

18 I have the honor to inform you that on February 25, 2021, I approved House Bills 1034, 1068,  
19 and 1109, and the same have been deposited in the office of the Secretary of State.

20

Respectfully submitted,  
Kristi Noem  
Governor

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23

**REPORTS OF STANDING COMMITTEES**

24 MR. SPEAKER:

25 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
26 under consideration **SB 72** and returns the same with the recommendation that said bill do pass.

27

Respectfully submitted,  
Marty Overweg, Chair

28

29 Also MR. SPEAKER:

30 The Committee on House Health and Human Services respectfully reports that it has had under  
31 consideration **SB 4, 31, and 83** and returns the same with the recommendation that said bills do  
32 pass, and having been certified as uncontested, be placed on the consent calendar.

33

Respectfully submitted,  
Kevin D. Jensen, Chair

34

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under  
3 consideration **SB 10** and returns the same with the recommendation that said bill do pass, and  
4 having been certified as uncontested, be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on House Transportation respectfully reports that it has had under  
7 consideration **SB 105** which was deferred to the 41st Legislative Day.

8 Respectfully submitted,  
9 Caleb Finck, Chair

10 Also MR. SPEAKER:

11 The Committee on House Local Government respectfully reports that it has had under  
12 consideration **SB 77 and 134** and returns the same with the recommendation that said bills do  
13 pass.

14 Also MR. SPEAKER:

15 The Committee on House Local Government respectfully reports that it has had under  
16 consideration **SB 123** and returns the same with the recommendation that said bill be amended as  
17 follows:

18 123C

19 On page 1, line 24, of the Senate State Affairs bill, after "accept " delete "written "

20 On page 1, line 24, of the Senate State Affairs bill, after "comments " delete "via hand delivery  
21 or postmarked mail "

22 On page 2, after line 15, of the Senate State Affairs bill, insert "

23 **Section 2. This bill shall become effective on November 1, 2021.**

24 "

25 And that as so amended, said bill do pass.

26 Respectfully submitted,  
27 Nancy York, Chair

28 Also Mr. SPEAKER:

29 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
30 Enrolling has carefully compared **HB 1055, 1057, 1066, 1074, 1098, and 1113** and finds the  
31 same correctly enrolled.

32 Respectfully submitted,  
33 Spencer R. Gosch, Chair

1 Also Mr. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that **HB 1029, 1053, 1067,**  
3 **1069, 1073, 1079, 1090, 1196, and 1234** were delivered to her Excellency, the Governor, for  
4 her approval at 8:15 a.m., February 25, 2021.

5 Respectfully submitted,  
6 Spencer R. Gosch, Chair

7 **MESSAGES FROM THE SENATE**

8 Mr. SPEAKER:

9 I have the honor to return herewith **HB 1055, 1057, 1066, 1074, 1098, and 1113** which  
10 have passed the Senate without change.

11 Also Mr. SPEAKER:

12 I have the honor to transmit herewith **SB 97 and 187** which have passed the Senate and your  
13 favorable consideration is respectfully requested.

14 Respectfully,  
15 Kay Johnson, Secretary

16 **MOTIONS AND RESOLUTIONS**

17 **HCR 6012:** A CONCURRENT RESOLUTION, To encourage the Executive Board of the  
18 Legislature to reauthorize the Mental Health of First Responders Task Force interim legislative study.

19 Introduced by: **Representative** Cwach

20 Was read the first time and referred to the Committee on Health and Human Services.

21 **HCR 6013:** A CONCURRENT RESOLUTION, To protect our Second Amendment rights from  
22 federal overreach using the official purpose provision of the REAL ID Act of 2005.

23 Introduced by: **Representative** Dennert

24 **HCR 6014:** A CONCURRENT RESOLUTION, Acknowledging survivors of Native American  
25 boarding schools in this state.

26 Introduced by: **Representative** Pourier

27 **HCR 6015:** A CONCURRENT RESOLUTION, To encourage the Executive Board of the  
28 Legislature to create an interim legislative study on mental health education in this state.

29 Introduced by: **Representative** St. John

30 Were read the first time and the Speaker waived referral.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

2

Rep. Kent Peterson moved that the reports of the Standing Committees on

3

Education on **SB 150** as found on page 378 and **HB 1146 and SB 178** as found on page 379 of the House Journal; also

4

5

Judiciary on **HB 1075** as found on page 391, **HB 1080, 1081, and 1096** as found on page 392, and **HB 1154** as found on page 393 of the House Journal; also

6

7

State Affairs on **HB 1194** as found on page 379 and **HB 1212** as found on page 380 of the House Journal be adopted.

8

9

Which motion prevailed and the reports were adopted.

10

Rep. Bordeaux moved that **HB 1108** be placed on today's calendar and be immediately considered pursuant to Joint Rule 6F-6.

11

12

The question being on Rep. Bordeaux's motion that **HB 1108** be placed on today's calendar and be immediately considered pursuant to Joint Rule 6F-6.

13

14

And the roll being called:

15

Yeas 21, Nays 47, Excused 2, Absent 0

16

Yeas:

17

Blare, Bordeaux, Chase, Cwach, Duba, Fitzgerald, Goodwin, Haugaard, Healy, Kevin Jensen, Keintz, May, Miskimins, Mulally, Pourier, Rehfeldt, Schneider, Jamie Smith, St. John, Vasgaard, and Weisgram

18

19

20

Nays:

21

Anderson, Aylward, Bartels, Barthel, Chaffee, Davis, Dennert, Derby, Deutsch, Drury, Finck, Lana Greenfield, Gross, Hansen, Hoffman, Howard, Jamison, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, Mills, Milstead, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Reimer, Soye, Stevens, Thomason, Tidemann, Weis, Wiese, Willadsen, Wink, York, and Speaker Gosch

22

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25

26

Excused:

27

Beal and Lesmeister

28

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.

29

30

**FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

31

**HCR 6011** was read on February 24, 2021, and today the Speaker waived the referral to committee, and placed the bill on the calendar of the 29<sup>th</sup> legislative day.

32

33

**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

34

**SB 97**: FOR AN ACT ENTITLED, An Act to modify provisions regarding the State-Tribal Relations Committee.

35

1 **SB 187**: FOR AN ACT ENTITLED, An Act to establish provisions concerning the sale of adult-  
2 use retail marijuana.

3 Were read the first time and referred to the Committee on State Affairs.

4 The following bill was read on January 27, 2021, and today the Speaker assigned this bill to  
5 committee:

6 **SB 24** was referred to the Committee on State Affairs.

7 The following bills were read on February 22, 2021, and today the Speaker assigned these bills  
8 to committees:

9 **SB 182** was referred to the Joint Committee on Appropriations.

10 **SB 145** was referred to the Committee on Local Government.

11 The following bills were read on February 23, 2021, and today the Speaker assigned these bills  
12 to committees:

13 **SB 141, 174, and 176** were referred to the Committee on Judiciary.

14 **SB 180** was referred to the Committee on Military and Veterans Affairs.

15 **SB 175, 183, and 184** were referred to the Committee on State Affairs.

16 **SB 161** was referred to the Committee on Transportation.

17 The following bills were read on February 24, 2021, and today the Speaker assigned these bills  
18 to committees:

19 **SB 148, 164, and 193** were referred to the Committee on Judiciary.

20 **SCR 605** was read on February 24, 2021, and today the Speaker waived the referral to  
21 committee.

## 22 **SECOND READING OF CONSENT CALENDAR ITEMS**

23 **SB 55**: FOR AN ACT ENTITLED, An Act to authorize certain innovative insurance products and  
24 services through insurance innovation waivers.

25 Was read the second time.

26 The question being "Shall **SB 55** pass as amended?"

27 And the roll being called:

28 Yeas 68, Nays 0, Excused 2, Absent 0

29 Yeas:

30 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
31 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,

1 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
2 Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie  
3 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,  
4 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,  
5 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

6 Excused:  
7 Beal and Lesmeister

8 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
9 declared the bill passed and the title was agreed to.

## 10 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

11 Rep. Kent Peterson moved that **HB 1040** be laid on the table.

12 The question being on Rep. Kent Peterson's motion that **HB 1040** be laid on the table.

13 And the roll being called:

14 Yeas 64, Nays 4, Excused 2, Absent 0

15 Yeas:

16 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
17 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,  
18 Haugaard, Healy, Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz, Koth, Ladner,  
19 May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry,  
20 Kent Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,  
21 Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink,  
22 York, and Speaker Gosch

23 Nays:

24 Howard, Karr, Marty, and Pischke

25 Excused:

26 Beal and Lesmeister

27 So the motion having received an affirmative vote of a majority of the members-elect, the  
28 Speaker declared the motion carried and **HB 1040** was tabled.

29 Speaker Pro tempore Hansen now presiding.

30 **HB 1100**: FOR AN ACT ENTITLED, An Act to modify the medical marijuana program and to  
31 create an interim committee to recommend implementation of the medical marijuana program.

32 Was read the second time.

33 Rep. Gosch moved that **HB 1100** be amended as follows:

34 1100H

35 On amendment (1100F),

36 On page 8, line 7, delete "may" and insert " shall"

- 
- 1 On page 8, line 8, delete "may" and insert " shall"
- 2 On page 8, line 9, delete "may" and insert " shall"
- 3 On page 8, line 10, delete "may" and insert " shall"
- 4 On page 8, line 12, delete "may" and insert " shall"
- 5 On page 8, line 17, delete "may" and insert " shall"
- 6 On page 8, line 18, delete "may" and insert " shall"
- 7 Which motion prevailed.
- 8 Rep. Gosch moved that **HB 1100** be amended as follows:
- 9 1100F
- 10 On page 3, line 25, of the House State Affairs bill, delete "July 1, 2022" and insert " January 1, 2022"
- 11 On page 4, line 1, of the House State Affairs bill, delete "July " and insert "January "
- 12 On page 4, line 3, of the House State Affairs bill, delete " November 21, 2022" and insert "  
13 May 15, 2022"
- 14 On page 4, line 24, of the House State Affairs bill, delete "July " and insert "January "
- 15 On page 4, line 26, of the House State Affairs bill, delete "Within one hundred twenty days of  
16 July 1, 2021 July 1, 2022" and insert " No later than May 15, 2022"
- 17 On page 5, line 6, of the House State Affairs bill, delete "July" and insert " January"
- 18 On page 5, line 8, of the House State Affairs bill, delete " October 31, 2022" and insert " April 30, 2022"
- 19 On page 7, line 28, of the House State Affairs bill, delete "July" and insert " January"
- 20 On page 7, line 32, of the House State Affairs bill, remove the overstrikes from " This policy  
21 shall be implemented "
- 22 On page 7, line 33, of the House State Affairs bill, after "chapter. " insert "no later than the  
23 first day of the 2022-2023 school year. "
- 24 On page 8, line 1, of the House State Affairs bill, delete "identical" and insert " similar"
- 25 On page 8, line 11, of the House State Affairs bill, after "practitioner " insert "and one nurse "
- 26 On page 8, line 11, of the House State Affairs bill, after "issues, " delete "one nurse,"
- 27 On page 8, line 12, of the House State Affairs bill, after "patient " insert "or advocate of a  
28 patient "
- 29 On page 9, line 12, of the House State Affairs bill, after "scheme;" insert " and"
- 30 On page 9, line 13, of the House State Affairs bill, after "decisions" delete "; and
- 31 (14) Determine implementation benchmarks.



1 The interim marijuana committee shall report to the Legislature by January 15, 2022. The  
2 interim marijuana committee may present any recommended legislation"

3 Which motion prevailed.

4 Rep. Gosch rose to a point of order that the sponsor, Rep. Jamison, had addressed the body  
5 three times. The Speaker pro tempore overruled the point of order, stating he was answering  
6 questions and not making further comments.

7 Rep. Jamison moved that **HB 1100** be amended as follows:

8 1100G

9 On page 1, line 1, of the House State Affairs bill, delete " create an interim committee to  
10 recommend implementation of the medical marijuana program" and insert " require the medical  
11 cannabis oversight committee to evaluate the implementation process"

12 On page 1, line 7, of the House State Affairs bill, after "2021;

13 (2)" delete "The Measure legalizes marijuana for medical use by qualifying patients, including  
14 minors. The Measure requires patients to obtain a registration card from the Department of Health,  
15 and the Measure allows the acceptance of nonresident cards. The Measure authorizes individuals to  
16 become designated caregivers and grow marijuana in their homes. The Measure authorizes  
17 cultivation, manufacture, and retail facilities if registered by the Department of Health;

18 (3) The Measure, however, does not include provisions for:

19 (a) Tracking marijuana or marijuana products;

20 (b) Taxing medical marijuana;

21 (c) Regulating the form of products, maximum potency, or appropriate dosage of products for  
22 safe human consumption;

23 (d) Identifying the debilitating medical conditions that qualify for lawful use and possession of  
24 medical marijuana; and"

25 On page 1, line 20, of the House State Affairs bill, after "and" delete "(e) Permitting, mandating,  
26 or prohibiting ownership within different tiers of the marijuana supply chain;

27 (4) The Measure requires the Department of Health to regulate marijuana, which conflicts with  
28 2020 Constitutional Amendment A that gives the exclusive power to regulate marijuana to the  
29 Department of Revenue. Amendment A is presently the subject of two constitutional challenges in  
30 the state courts;

31 (5) The Measure does not provide a source of funding for the creation of a new state program  
32 before the work to implement the Measure may occur;

33 (6) Included in the Measure are policies outside the subject of a medical marijuana program  
34 in the following areas;

35 (a) Employment law;

36 (b) Landlord and tenant rights;

37 (c) School policy;

1 (d) Correctional health;

2 (e) Family law; and

3 (f) Contract law;

4 (7) 2020 Constitutional Amendment A passed by a vote of the people on November 3, 2020,  
5 receiving fifty-four percent of the vote. South Dakota became the first state to adopt recreational  
6 and medicinal marijuana in the same election;

7 (8) The constitutionality of Constitutional Amendment A is currently being challenged in two  
8 lawsuits: In the matter of election contest as to Amendment A, Sixth Circuit Case No. 32CIV20-186,  
9 and Sheriff Kevin Thom, in his official capacity as Pennington County Sheriff and Colonel Rick Miller,  
10 in his official capacity as Superintendent of the South Dakota Highway Patrol v. Steve Barnett, in  
11 his official capacity as South Dakota Secretary of State, Sixth Circuit Case No. 32CIV20-187. On  
12 February 8, 2021, the circuit court issued its decisions in these cases, and in the latter case, held  
13 that Amendment A was unconstitutional. These decisions, however, are subject to appeal and final,  
14 nonappealable decisions are not expected during the 96th Legislative Session;

15 (9) The implementation, administration, and regulation of a medical marijuana program would  
16 be significantly impacted by the final outcome of the Amendment A litigation, and establishing a  
17 medical marijuana program without certainty as to the legality of adult use marijuana would waste  
18 limited taxpayers' resources;

19 (10) A state of emergency was declared on March 13, 2020, and continues to exist in every  
20 county of this state. The Department of Health, which the Measure charges with regulating medical  
21 marijuana, has been preparing, planning, researching, managing, communicating, and using every  
22 available resource at its disposal to fight the unprecedented, global pandemic of the novel  
23 coronavirus, which causes the severe respiratory disease, COVID-19, since January 2020, and has  
24 been developing, launching, tracking, and administering the state's vaccine distribution plan  
25 continuously since the Measure passed;

26 (11) The Measure requires the Department of Health to implement, administer, and regulate  
27 a new program and industry less than eight months from when the Measure passed. The time frame  
28 is insufficient to successfully launch a reliable, stable, and prudent medical marijuana program;

29 (12) The Measure conflicts with federal law by legalizing a substance that remains illegal under  
30 federal law, which adds further complexity to implementation;

31 (13) The Measure fails to adequately consider the complexities and detail needed to  
32 successfully create and operate a medical marijuana program;

33 (14) "

34 On page 3, line 21, of the House State Affairs bill, after "prudency " delete "than its current  
35 effective date of July 1, 2021"

36 On page 3, line 22, of the House State Affairs bill, delete "(15)" and insert "(3)"

37 On page 3, line 24, of the House State Affairs bill, after "necessary." delete "Section 2.  
38 Notwithstanding the provisions of § 2-1-12, §§ 34-20G-1 to 34-20G-95, inclusive, are effective July 1, 2022."

39 On page 4, line 1, of the House State Affairs bill, delete "2022" and insert " 2021"

40 On page 4, line 3, of the House State Affairs bill, delete " November 21, 2022" and insert "  
41 January 31, 2022"

42 On page 4, line 24, of the House State Affairs bill, delete " 2022" and insert " 2021"

1 On page 4, line 26, of the House State Affairs bill, after "system." delete "Within one hundred  
2 twenty days of"

3 On page 4, line 26, of the House State Affairs bill, delete " July 1, 2022" and insert " No later  
4 than January 31, 2022"

5 On page 5, after line 4, of the House State Affairs bill, insert "

6 **Section 4.** That § 34-20G-51 be AMENDED.

7 34-20G-51. [Effective July 1, 2021] Medical purpose defense to prosecution involving  
8 cannabis.

9 Except as provided in § 34-20G-18 and this section, a person may assert the medical purpose  
10 for using cannabis as a defense to any prosecution involving cannabis, and such defense is presumed  
11 valid where the evidence shows that:

12 (1) A practitioner has stated that, in the practitioner's professional opinion, after having  
13 completed a full assessment of the person's medical history and current medical condition made in  
14 the course of a bona fide practitioner-patient relationship, the patient has a debilitating medical  
15 condition and the potential benefits of using cannabis for medical purposes would likely outweigh  
16 the health risks for the person;

17 (2) The person was in possession of no more than ~~three ounces of cannabis, the amount of~~  
18 ~~cannabis products allowed by department rules, six cannabis plants minimum or as prescribed by a~~  
19 ~~physician, and the cannabis produced by those plants;~~

20 (a) Three ounces of cannabis;

21 (b) A quantity of cannabis products containing no more than twenty-four grams of cannabis  
22 concentrate or a greater amount if allowed by department rules;

23 (c) Six cannabis plants kept in or on the grounds of a single residence at one time and any  
24 cannabis produced by those six plants provided that the cannabis is located at the same property  
25 where the plants were cultivated; or

26 (d) Any combination of subsections (a), (b), or (c) thereof;

27 (3) The person was engaged in the acquisition, possession, use, manufacture, cultivation, or  
28 transportation of cannabis, paraphernalia, or both, relating to the administration of cannabis to treat  
29 or alleviate the person's debilitating medical condition or symptoms associated with the person's  
30 debilitating medical condition; and

31 (4) Any cultivation of cannabis and storage of more than three ounces of cannabis occurred in  
32 a secure location that only the person asserting the defense could access.

33 "

34 On page 5, line 6, of the House State Affairs bill, delete " 2022" and insert " 2021"

35 On page 5, line 8, of the House State Affairs bill, delete " October 31, 2022" and insert "  
36 January 31, 2022"

37 On page 7, after line 26, of the House State Affairs bill, insert "

38 **Section 6.** That § 34-20G-92 be AMENDED.

1 34-20G-92. [Effective July 1, 2021] Oversight committee membership.

2 A medical cannabis oversight committee shall be appointed. The Executive Board of the  
3 Legislative Research Council shall appoint ~~an oversight committee comprised of: one member of the~~  
4 ~~House of Representatives, one member of the Senate, one Department of Criminal Investigation~~  
5 ~~agent, one staff member from the Office of the Attorney General,~~ two representatives of local law  
6 enforcement, ~~one representative from the department,~~ one practitioner with experience in medical  
7 cannabis issues, one nurse, one board member or principal officer of a cannabis testing facility, one  
8 person with experience in policy development or implementation in the field of medical cannabis,  
9 ~~two representatives of tribal governments, and three qualifying~~ two advocates for medical cannabis  
10 patients. The speaker shall appoint two members of the House of Representatives. The president  
11 pro tempore shall appoint two members of the Senate. The attorney general shall appoint one  
12 attorney from the Office of the Attorney General. The Governor shall appoint one representative  
13 from each of the Departments of Health, Revenue, and Public Safety, and one representative from  
14 local government.

15 "

16 On page 7, after line 26, of the House State Affairs bill, insert "

17 **Section 7.** That § 34-20G-93 be AMENDED.

18 34-20G-93. [Effective July 1, 2021] Oversight committee duties.

19 The oversight committee shall ~~meet at least two times per year~~ hold a public meeting once  
20 per month for the purpose of evaluating the medical cannabis program established by this chapter  
21 and making recommendations to the Legislature and the department regarding:

22 (1) The ability of qualifying patients in all areas of the state to obtain timely access to high-  
23 quality medical cannabis;

24 (2) The effectiveness of the dispensaries and cultivation facilities, individually and together, in  
25 serving the needs of qualifying patients, including the provision of educational and support services  
26 by dispensaries, the reasonableness of their prices, whether they are generating any complaints or  
27 security problems, and the sufficiency of the number operating to serve the state's registered  
28 qualifying patients;

29 (3) The effectiveness of the cannabis testing facilities, including whether a sufficient number  
30 are operating;

31 (4) The sufficiency of the regulatory and security safeguards contained in this chapter and  
32 adopted by the department to ensure that access to and use of cannabis cultivated is provided only  
33 to cardholders;

34 (5) Any recommended additions or revisions to the department regulations or this chapter,  
35 including ~~relating~~ but not limited to regulations governing cultivation, business operations, testing,  
36 dosing, potency, security, safe handling, packaging, labeling, and nomenclature; and

37 (6) Any research studies regarding health effects of medical cannabis for patients-;

38 (7) The ability of the department and other state agencies to meet the deadlines in this chapter  
39 while ensuring that the implementation of medical cannabis does not cause public health issues,  
40 public safety issues, or other adverse effects to the state;

41 (8) The ability of local governments to regulate medical cannabis establishments; and

42 (9) Any other public policy issues related to the medical cannabis policy.

43 "

- 
- 1 On page 7, line 28, of the House State Affairs bill, delete " 2022" and insert " 2021"
- 2 On page 7, line 32, of the House State Affairs bill, remove the overstrikes from " This policy  
3 shall be implemented "
- 4 On page 7, line 33, of the House State Affairs bill, after "chapter. " insert "no later than January  
5 31, 2022. "
- 6 On page 10, line 1, of the House State Affairs bill, delete "identical" and insert " similar"
- 7 On page 8, line 3, of the House State Affairs bill, after "2019." delete "Section 7. That a NEW  
8 SECTION be added:"
- 9 On page 8, line 4, of the House State Affairs bill, after "added:" delete "Interim marijuana  
10 committee membership. "
- 11 On page 8, line 5, of the House State Affairs bill, after "membership." delete "An interim  
12 marijuana committee shall be appointed. The speaker may appoint five members of the House of  
13 Representatives. The president pro tempore may appoint five members of the Senate. The attorney  
14 general may appoint one state's attorney and one attorney from the Office of the Attorney General.  
15 The Governor may appoint one representative from each of the Departments of Health, Revenue,  
16 and Public Safety. The Governor may also appoint one representative of law enforcement, one health  
17 care practitioner with knowledge of medical marijuana issues, one nurse, two representatives from  
18 the medical marijuana cultivators or manufacturers or retail industry, one patient with a debilitating  
19 condition who intends to use medical marijuana, or one representative of local governments. Any  
20 consultant hired by the state may serve in an advisory, non-voting capacity. If there is a vacancy  
21 on the committee, the vacancy may be filled in the same manner as the original appointment under  
22 this Act. The committee shall be under the supervision of the Executive Board of the Legislative  
23 Research Council and staffed and funded as an interim legislative committee."
- 24 On page 8, line 19, of the House State Affairs bill, after "committee." delete "Section 8. That  
25 a NEW SECTION be added:"
- 26 On page 8, line 20, of the House State Affairs bill, after "added:" delete "Interim marijuana  
27 committee duties."
- 28 On page 8, line 21, of the House State Affairs bill, after "duties." delete "The interim marijuana  
29 committee created pursuant to § 34-20G-96 may:
- 30 (1) Research best practices from other medical marijuana programs;
- 31 (2) Determine details of a licensing system that specifies privileges and authorized activities,  
32 and the implementation thereof;
- 33 (3) Evaluate policies that reduce unlawful access, availability, and use by youths and prevent  
34 diversion to illicit markets;
- 35 (4) Explore policy measures that balance adequate regulation that ensure safe products and  
36 support the development of a fair market;
- 37 (5) Study legal consequences and litigation of policy decisions challenged in other states;
- 38 (6) Investigate criminal justice and public safety concerns of establishing a marijuana market  
39 while guarding against drugged driving or performing tasks under impairment;
- 40 (7) Advise on regulations for cultivation of marijuana without contaminants, pesticides, or  
41 heavy metals, for manufacturing of marijuana products without hazardous substances, and for sales  
42 of marijuana and marijuana products only to verified patients in appropriate amounts;
- 43 (8) Seek input on appropriate local controls that allow sufficient access;

1 (9) Examine appropriate rules or restrictions on the structure, ownership, management, fiscal  
2 stability, and practices of marijuana business entities;

3 (10) Determine market demand, production management, product tracking, and necessary  
4 fees to support the medical marijuana program;

5 (11) Review testing advisability and capability, forms of product, and how each product should  
6 be approved for human consumption;

7 (12) Determine appropriate taxing scheme;

8 (13) Provide an opportunity for public input of policy decisions; and

9 (14) Determine implementation benchmarks.

10 The interim marijuana committee shall report to the Legislature by January 15, 2022. The  
11 interim marijuana committee may present any recommended legislation."

12 On page 9, after line 16, of the House State Affairs bill, insert "

13 **Section 9.** That a NEW SECTION be added:

14 34-20G-96. Personal cultivation limits.

15 Notwithstanding any provision of this chapter, a cardholder may not cultivate more than six  
16 cannabis plants kept in or on the grounds of a single residence at one time.

17 "

18 On page 9, after line 16, of the House State Affairs bill, insert "

19 **Section 10.** That a NEW SECTION be added:

20 34-20G-97. Department and oversight committee reporting requirements.

21 The following reporting requirements are established:

22 (1) Until January 31, 2022, the department shall provide a monthly report to the  
23 medical cannabis oversight committee describing the status of the implementation  
24 process of the medical cannabis program and describing the actions taken to meet  
25 the deadlines in this chapter;

26 (2) No later than December 15, 2021, the medical oversight committee shall  
27 provide a report to the Legislature including but not limited to any recommended  
28 legislation;

29 (3) Beginning March 1, 2022 and in every other month thereafter, the department  
30 shall provide a report to the medical marijuana oversight committee describing  
31 the current status of the medical cannabis program; and

32 All reports under this section shall be made available to the public upon transmittal.

1

"

2

On page 9, line 17, of the House State Affairs bill, after "legislation." delete "Section 9. This Act is effective June 30, 2021."

3

4

Rep. Pischke requested a roll call vote. Which request was supported.

5

And the roll being called:

6

Yeas 27, Nays 41, Excused 2, Absent 0

7

Yeas:

8

Aylward, Bordeaux, Cwach, Davis, Dennert, Derby, Drury, Duba, Fitzgerald, Gross, Hansen, Healy, Howard, Jamison, Keintz, Mortenson, Odenbach, Olson, Pischke, Pourier, Rehfeldt, Jamie Smith, Soye, Stevens, Thomason, Vasgaard, and Weisgram

9

10

11

Nays:

12

Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Deutsch, Finck, Goodwin, Lana Greenfield, Haugaard, Hoffman, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mulally, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Randolph, Reed, Reimer, Schneider, St. John, Tidemann, Weis, Wiese, Willadsen, Wink, York, and Speaker Gosch

13

14

15

16

17

Excused:

18

Beal and Lesmeister

19

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.

20

21

The question being "Shall **HB 1100** pass as amended?"

22

And the roll being called:

23

Yeas 40, Nays 28, Excused 2, Absent 0

24

Yeas:

25

Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Deutsch, Finck, Goodwin, Lana Greenfield, Hansen, Hoffman, Kevin Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Overweg, Perry, Kent Peterson, Sue Peterson, Randolph, Reimer, Schneider, St. John, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

26

27

28

29

30

Nays:

31

Aylward, Bordeaux, Cwach, Davis, Dennert, Derby, Drury, Duba, Fitzgerald, Gross, Haugaard, Healy, Howard, Jamison, Phil Jensen, Keintz, Odenbach, Olson, Ernie Otten, Pischke, Pourier, Reed, Rehfeldt, Jamie Smith, Soye, Stevens, Thomason, and Weis

32

33

34

Excused:

35

Beal and Lesmeister

36

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

37

38

Speaker Gosch now presiding.





1 Yeas:

2 Barthel, Chaffee, Derby, Deutsch, Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,  
3 Hansen, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Karr, Ladner, Marty, May, Mills, Miskimins,  
4 Odenbach, Olson, Perry, Kent Peterson, Reed, Reimer, Schneider, Soye, St. John, Thomason,  
5 Weisgram, Wiese, Willadsen, York, and Speaker Gosch

6 Nays:

7 Anderson, Aylward, Bartels, Blare, Bordeaux, Chase, Cwach, Davis, Dennert, Duba, Haugaard,  
8 Healy, Howard, Phil Jensen, Keintz, Koth, Milstead, Mortenson, Mulally, Ernie Otten, Overweg, Sue  
9 Peterson, Pischke, Randolph, Rehfeldt, Jamie Smith, Stevens, Tidemann, Vasgaard, Weis, and Wink

10 Excused:

11 Beal, Lesmeister, and Pourier

12 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
13 elect, the Speaker declared the bill lost.

14 Rep. Kent Peterson requested that **HB 1139** be moved to later on today's calendar due to  
15 technical difficulty in making an amendment available for viewing.

16 **HB 1063:** FOR AN ACT ENTITLED, An Act to make an appropriation to contract for mental  
17 health insurance for certain first responder organizations and to declare an emergency.

18 Was read the second time.

19 Rep. Cwach moved that **HB 1063** be laid on the table.

20 The question being on Rep. Cwach's motion that **HB 1063** be laid on the table.

21 And the roll being called:

22 Yeas 60, Nays 7, Excused 3, Absent 0

23 Yeas:

24 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
25 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,  
26 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
27 Koth, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry,  
28 Kent Peterson, Sue Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John,  
29 Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York

30 Nays:

31 Ladner, Marty, Mulally, Pischke, Randolph, Weis, and Speaker Gosch

32 Excused:

33 Beal, Lesmeister, and Pourier

34 So the motion having received an affirmative vote of a majority of the members-elect, the  
35 Speaker declared the motion carried and **HB 1063** was tabled.

36 **HB 1064:** FOR AN ACT ENTITLED, An Act to make an appropriation for and the establishment  
37 of peer support and critical incident stress management training for first responder organizations.

38 Was read the second time.

1 Rep. Anderson moved that **HB 1064** be amended as follows:

2 1064B

3 On page 1, line 3, of the House Appropriations bill, after "organizations" insert ", and to declare  
4 an emergency"

5 On page 3, after line 11, of the House Appropriations bill, insert "

6 **Section 11.** Whereas, this Act is necessary for the support of the state government and its  
7 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
8 force and effect from and after its passage and approval.

9 "

10 The question being on Rep. Anderson's motion to **HB 1064** be amended.

11 Which motion prevailed.

12 The question being "Shall **HB 1064** pass as amended?"

13 And the roll being called:

14 Yeas 67, Nays 0, Excused 3, Absent 0

15 Yeas:

16 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
17 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,  
18 Hugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
19 Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie  
20 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer,  
21 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,  
22 Wiese, Willadsen, Wink, York, and Speaker Gosch

23 Excused:

24 Beal, Lesmeister, and Pourier

25 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
26 declared the bill passed and the title was agreed to.

27 **HB 1153:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the  
28 design and construction of a new dairy research and extension farm on the campus of South Dakota  
29 State University, together with equipment and furnishings, to make an appropriation therefor, and  
30 to declare an emergency.

31 Having had its second reading was up for consideration and final passage.

32 The question being "Shall **HB 1153** pass as amended?"

33 And the roll being called:

34 Yeas 53, Nays 15, Excused 2, Absent 0

1 Yeas:  
2 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,  
3 Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Healy, Hoffman, Jamison, Kevin Jensen, Chris  
4 Johnson, Keintz, Koth, Ladner, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten,  
5 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Poirier, Reed, Rehfeldt, Reimer, Schneider,  
6 Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen,  
7 Wink, and York

8 Nays:  
9 Aylward, Dennert, Fitzgerald, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty, May,  
10 Milstead, Randolph, Soye, Weis, and Speaker Gosch

11 Excused:  
12 Beal and Lesmeister

13 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
14 the Speaker declared the bill passed and the title was agreed to.

15 **HB 1139**: FOR AN ACT ENTITLED, An Act to require that assisted living facilities create and  
16 post visitation policies.

17 Was read the second time.

18 Rep. Phil Jensen moved that **HB 1139** be amended as follows:

19 1139G

20 On page 1, line 21, of the House Health and Human Services bill, after "website" insert ", if  
21 one exists,"

22 On page 2, line 1, of the House Health and Human Services bill, after "request. " delete "Each  
23 facility shall also post its visitation policies and procedures on its website."

24 On page 2, line 9, of the House Health and Human Services bill, after "website" insert ", if one  
25 exists"

26 On page 2, line 16, of the House Health and Human Services bill, after "website" insert ", if  
27 one exists,"

28 On page 2, line 24, of the House Health and Human Services bill, after "website, " insert "if  
29 one exists, "

30 Which motion prevailed.

31 Speaker Pro tempore Hansen now presiding.

32 Speaker Gosch now presiding.

1 The question being "Shall **HB 1139** pass as amended?"

2 And the roll being called:

3 Yeas 41, Nays 27, Excused 2, Absent 0

4 Yeas:

5 Aylward, Blare, Dennert, Derby, Deutsch, Drury, Fitzgerald, Goodwin, Gross, Hansen,  
6 Haugaard, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Ladner, Marty, May,  
7 Mills, Milstead, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Sue Peterson, Pischke,  
8 Pourier, Randolph, Rehfeldt, Soye, St. John, Vasgaard, Weis, Wiese, Wink, York, and Speaker Gosch

9 Nays:

10 Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Davis, Duba, Finck, Lana  
11 Greenfield, Healy, Hoffman, Keintz, Koth, Miskimins, Mortenson, Kent Peterson, Reed, Reimer,  
12 Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, and Willadsen

13 Excused:

14 Beal and Lesmeister

15 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
16 declared the bill passed and the title was agreed to.

17 Speaker Gosch moved that the House do now recess.

18 Which motion prevailed and at 5:31 p.m., the House recessed.

19 **RECESS**

20 The House reconvened at 5:53 p.m., the Speaker presiding.

21 **HJR 5004:** A JOINT RESOLUTION, Proposing and submitting to the voters at the 2022 primary  
22 election a new section to Article XII of the Constitution of the State of South Dakota, relating to the  
23 creation and administration of a trust fund using the net receipts from unclaimed property.

24 Was read the second time.

25 Rep. Howard moved that **HJR 5004** be amended as follows:

26 HJR5004A

27 On page 1, line 1, of the Introduced bill, delete "primary " and insert "general "

28 On page 1, line 5, of the Introduced bill, delete "primary " and insert "general "

29 Which motion prevailed.

30 The question being "Shall **HJR 5004** pass as amended?"

31 And the roll being called:

32 Yeas 30, Nays 38, Excused 2, Absent 0

1 Yeas:

2 Aylward, Dennert, Deutsch, Finck, Fitzgerald, Gross, Hansen, Haugaard, Howard, Phil Jensen,  
3 Chris Johnson, Karr, Marty, May, Mills, Milstead, Mulally, Odenbach, Ernie Otten, Overweg, Perry,  
4 Sue Peterson, Pischke, Randolph, Rehfeldt, Soye, St. John, Weis, Wiese, and Speaker Gosch

5 Nays:

6 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury,  
7 Duba, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Kevin Jensen, Keintz, Koth, Ladner,  
8 Miskimins, Mortenson, Olson, Kent Peterson, Poirier, Reed, Reimer, Schneider, Jamie Smith,  
9 Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

10 Excused:

11 Beal and Lesmeister

12 So the bill not having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill lost.

14 **HB 1165:** FOR AN ACT ENTITLED, An Act to create the trust fund for unclaimed property and  
15 to provide for the transfer of certain unobligated cash balances.

16 Was read the second time.

17 Rep. Hansen moved that **HB 1165** be laid on the table.

18 The question being on Rep. Hansen's motion that **HB 1165** be laid on the table.

19 And the roll being called:

20 Yeas 59, Nays 9, Excused 2, Absent 0

21 Yeas:

22 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
23 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard,  
24 Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, May, Mills, Milstead,  
25 Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue  
26 Peterson, Poirier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,  
27 Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York

28 Nays:

29 Dennert, Howard, Phil Jensen, Karr, Marty, Pischke, Soye, Weis, and Speaker Gosch

30 Excused:

31 Beal and Lesmeister

32 So the motion having received an affirmative vote of a majority of the members-elect, the  
33 Speaker declared the motion carried and **HB 1165** was tabled.

34 Speaker Pro tempore Hansen now presiding.

35 **HB 1255:** FOR AN ACT ENTITLED, An Act to create the South Dakota forever trust fund, to  
36 provide for the transfer of certain unobligated cash balances, to transfer moneys thereto, and to  
37 declare an emergency.

38 Having had its second reading was up for consideration and final passage.

1 The question being "Shall **HB 1255** pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 35, Excused 2, Absent 0

4 Yeas:

5 Aylward, Dennert, Derby, Deutsch, Finck, Fitzgerald, Lana Greenfield, Gross, Hansen,  
6 Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Karr, Marty, May, Mills, Milstead, Mulally,  
7 Odenbach, Ernie Otten, Overweg, Perry, Pischke, Randolph, Rehfeldt, Soye, St. John, Vasgaard,  
8 Weis, Wiese, and Speaker Gosch

9 Nays:

10 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Drury, Duba,  
11 Goodwin, Healy, Jamison, Chris Johnson, Keintz, Koth, Ladner, Miskimins, Mortenson, Olson, Kent  
12 Peterson, Sue Peterson, Pourier, Reed, Reimer, Schneider, Jamie Smith, Stevens, Thomason,  
13 Tidemann, Weisgram, Willadsen, Wink, and York

14 Excused:

15 Beal and Lesmeister

16 So the bill not having received an affirmative vote of a two-thirds majority of the members-  
17 elect, the Speaker declared the bill lost.

18 Rep. Karr announced his intention to reconsider the vote by which **HB 1255** lost.

19 **HB 1112**: FOR AN ACT ENTITLED, An Act to revise the safety zone within which a firearm may  
20 be discharged.

21 Having had its second reading was up for consideration and final passage.

22 The question being "Shall **HB 1112** pass as amended?"

23 And the roll being called:

24 Yeas 27, Nays 40, Excused 3, Absent 0

25 Yeas:

26 Anderson, Blare, Bordeaux, Chaffee, Chase, Davis, Derby, Drury, Finck, Gross, Hansen,  
27 Hoffman, Jamison, Chris Johnson, Mills, Ernie Otten, Kent Peterson, Reed, Schneider, Stevens,  
28 Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Wink, and Speaker Gosch

29 Nays:

30 Aylward, Bartels, Barthel, Cwach, Dennert, Deutsch, Duba, Fitzgerald, Goodwin, Lana  
31 Greenfield, Haugaard, Healy, Howard, Kevin Jensen, Phil Jensen, Karr, Keintz, Koth, Ladner, Marty,  
32 May, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Sue Peterson,  
33 Pischke, Randolph, Rehfeldt, Reimer, Jamie Smith, Soye, St. John, Weis, Willadsen, and York

34 Excused:

35 Beal, Lesmeister, and Pourier

36 So the bill not having received an affirmative vote of a majority of the members-elect, the  
37 Speaker declared the bill lost.

1 **HB 1138:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the issuance of state  
2 park camping permits.

3 Having had its second reading was up for consideration and final passage.

4 The question being "Shall **HB 1138** pass as amended?"

5 And the roll being called:

6 Yeas 42, Nays 24, Excused 4, Absent 0

7 Yeas:

8 Aylward, Bartels, Barthel, Dennert, Deutsch, Drury, Fitzgerald, Goodwin, Lana Greenfield,  
9 Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson,  
10 Karr, Marty, May, Milstead, Miskimins, Mulally, Odenbach, Olson, Perry, Kent Peterson, Sue  
11 Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, Soye, St. John, Thomason, Weis, Weisgram,  
12 Wiese, Wink, and York

13 Nays:

14 Anderson, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Duba, Finck, Healy, Keintz,  
15 Koth, Ladner, Mills, Mortenson, Ernie Otten, Overweg, Schneider, Jamie Smith, Stevens, Tidemann,  
16 Vasgaard, and Willadsen

17 Excused:

18 Beal, Lesmeister, Pourier, and Speaker Gosch

19 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
20 declared the bill passed and the title was agreed to.

21 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents  
22 to provide grant funding for a new bioproducts facility at the research park in Brookings, and to  
23 declare an emergency.

24 Was read the second time.

25 Rep. Anderson moved that **HB 1210** be amended as follows:

26 1210C

27 On the House Appropriations engrossed bill, delete the previously adopted amendment(s), thus  
28 restoring the bill to the Introduced version.

29 Which motion prevailed.

30 The question being "Shall **HB 1210** pass as amended?"

31 And the roll being called:

32 Yeas 47, Nays 19, Excused 4, Absent 0

33 Yeas:

34 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,  
35 Drury, Duba, Finck, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Kevin Jensen, Chris  
36 Johnson, Keintz, Koth, Ladner, Mills, Miskimins, Mortenson, Olson, Ernie Otten, Overweg, Kent

1 Peterson, Sue Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,  
2 Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York

3 Nays:

4 Aylward, Dennert, Fitzgerald, Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty,  
5 May, Milstead, Mulally, Odenbach, Perry, Pischke, Randolph, Soye, and Weis

6 Excused:

7 Beal, Lesmeister, Pourier, and Speaker Gosch

8 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
9 the Speaker declared the bill passed and the title was agreed to.

10 Rep. Anderson announced his intention to reconsider the vote by which **HB 1210** lost.

11 **HB 1146**: FOR AN ACT ENTITLED, An Act to establish qualifications for members of the Board  
12 of Regents.

13 Having had its second reading was up for consideration and final passage.

14 The question being "Shall **HB 1146** pass as amended?"

15 And the roll being called:

16 Yeas 46, Nays 20, Excused 4, Absent 0

17 Yeas:

18 Aylward, Barthel, Blare, Chaffee, Dennert, Derby, Deutsch, Drury, Finck, Fitzgerald, Goodwin,  
19 Lana Greenfield, Gross, Hansen, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr,  
20 Ladner, Marty, May, Milstead, Mortenson, Mulally, Ernie Otten, Overweg, Perry, Kent Peterson, Sue  
21 Peterson, Pischke, Randolph, Reed, Reimer, Schneider, Soye, St. John, Stevens, Tidemann,  
22 Vasgaard, Weis, Weisgram, Wiese, York, and Speaker Gosch

23 Nays:

24 Anderson, Bartels, Bordeaux, Chase, Cwach, Davis, Duba, Haugaard, Healy, Hoffman, Keintz,  
25 Koth, Mills, Miskimins, Odenbach, Olson, Rehfeldt, Jamie Smith, Thomason, and Willadsen

26 Excused:

27 Beal, Lesmeister, Pourier, and Wink

28 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
29 declared the bill passed and the title was agreed to.

30 Speaker Gosch now presiding.

31 **HB 1194**: FOR AN ACT ENTITLED, An Act to authorize the review of certain executive orders  
32 issued by the President of the United States.

33 Having had its second reading was up for consideration and final passage.



1 The question being "Shall **HB 1194** pass as amended?"

2 And the roll being called:

3 Yeas 43, Nays 25, Excused 2, Absent 0

4 Yeas:

5 Aylward, Blare, Chaffee, Dennert, Derby, Deutsch, Drury, Finck, Fitzgerald, Goodwin, Lana  
6 Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris  
7 Johnson, Karr, Ladner, Marty, May, Mills, Milstead, Mortenson, Mulally, Odenbach, Ernie Otten,  
8 Overweg, Perry, Sue Peterson, Pischke, Randolph, Rehfeldt, Reimer, Soye, St. John, Vasgaard, Weis,  
9 Wiese, and Speaker Gosch

10 Nays:

11 Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Duba, Healy, Keintz, Koth,  
12 Miskimins, Olson, Kent Peterson, Pourier, Reed, Schneider, Jamie Smith, Stevens, Thomason,  
13 Tidemann, Weisgram, Willadsen, Wink, and York

14 Excused:

15 Beal and Lesmeister

16 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
17 declared the bill passed and the title was agreed to.

18 Rep. Kent Peterson moved to reconsider the vote by which **HB 1210** lost.

19 Rep. Jamie Smith rose to a point of order stating that his vote on **HB 1210** was incorrectly  
20 recorded. Speaker Gosch ruled that Rep. Jamie Smith's vote on **HB 1210** be corrected from  
21 "Excused" to "Yea".

22 Which correction was made to the original vote tally as shown on pages 417-418 of the House  
23 journal, after which the bill was declared passed.

24 **HB 1192**: FOR AN ACT ENTITLED, An Act to provide for the use of motorized foot scooters.

25 Having had its second reading was up for consideration and final passage.

26 The question being "Shall **HB 1192** pass as amended?"

27 And the roll being called:

28 Yeas 59, Nays 9, Excused 2, Absent 0

29 Yeas:

30 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
31 Derby, Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman,  
32 Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, May, Mills, Milstead,  
33 Miskimins, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Pischke, Pourier,  
34 Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason,  
35 Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York

36 Nays:

37 Fitzgerald, Healy, Phil Jensen, Marty, Mortenson, Mulally, Sue Peterson, Weis, and  
38 Speaker Gosch

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1 Excused:  
2 Beal and Lesmeister

3 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
4 declared the bill passed and the title was agreed to.

5 Rep. Gosch moved that the House do now recess.

6 Which motion prevailed and at 8:43 p.m., the House recessed.

7 **RECESS**

8 The House reconvened at 9:43 p.m., the Speaker presiding.

9 **HB 1237:** FOR AN ACT ENTITLED, An Act to make an appropriation for the purpose of funding  
10 county and township roads and bridges and to declare an emergency.

11 Having had its second reading was up for consideration and final passage.

12 The question being "Shall **HB 1237** pass as amended?"

13 And the roll being called:

14 Yeas 68, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
17 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,  
18 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
19 Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie  
20 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt,  
21 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis,  
22 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

23 Excused:  
24 Beal and Lesmeister

25 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
26 the Speaker declared the bill passed and the title was agreed to.

27 **HB 1212:** FOR AN ACT ENTITLED, An Act to clarify the use of force.

28 Was read the second time.

29 Rep. Kevin Jensen moved that **HB 1212** be amended as follows:

30 1212C

31 On page 5, line 26, of the House State Affairs bill, after "section." delete "In a criminal  
32 prosecution, once a prima facie claim of self-defense immunity has been raised by the defendant,  
33 the burden of proof by clear and convincing evidence is on the party seeking to overcome the  
34 immunity from criminal prosecution provided for in this section.

1 As used in this section, the term, criminal prosecution, includes arresting, detaining in custody,  
2 and charging or prosecuting the defendant."

3 Which motion prevailed.

4 The question being "Shall **HB 1212** pass as amended?"

5 And the roll being called:

6 Yeas 61, Nays 7, Excused 2, Absent 0

7 Yeas:

8 Anderson, Aylward, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Dennert, Derby, Deutsch,  
9 Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard,  
10 Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead,  
11 Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue  
12 Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, Schneider, Soye, St. John, Stevens,  
13 Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

14 Nays:

15 Bordeaux, Cwach, Duba, Healy, Keintz, Pourier, and Jamie Smith

16 Excused:

17 Beal and Lesmeister

18 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
19 declared the bill passed and the title was agreed to.

20 **HB 1154:** FOR AN ACT ENTITLED, An Act to prohibit employment contracts restricting  
21 competitive health care practices.

22 Was read the second time.

23 Rep. Deutsch moved that **HB 1154** be amended as follows:

24 1154E

25 On page 1, line 18, of the House Judiciary bill, delete "is void and unenforceable if the contract  
26 restricts " and insert "may not restrict "

27 Which motion prevailed.

28 The question being "Shall **HB 1154** pass as amended?"

29 And the roll being called:

30 Yeas 41, Nays 27, Excused 2, Absent 0

31 Yeas:

32 Anderson, Aylward, Bartels, Chase, Davis, Dennert, Derby, Deutsch, Finck, Lana Greenfield,  
33 Gross, Hansen, Haugaard, Hoffman, Howard, Phil Jensen, Karr, Keintz, Ladner, Marty, May, Mills,  
34 Milstead, Miskimins, Mulally, Odenbach, Perry, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt,  
35 Reimer, Soye, St. John, Vasgaard, Weis, Willadsen, Wink, York, and Speaker Gosch

1 Nays:  
2 Barthel, Blare, Bordeaux, Chaffee, Cwach, Drury, Duba, Fitzgerald, Goodwin, Healy, Jamison,  
3 Kevin Jensen, Chris Johnson, Koth, Mortenson, Olson, Ernie Otten, Overweg, Kent Peterson, Pourier,  
4 Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, and Wiese

5 Excused:  
6 Beal and Lesmeister

7 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
8 declared the bill passed and the title was agreed to.

9 **HB 1189**: FOR AN ACT ENTITLED, An Act to establish a tribal flag display in the rotunda of the  
10 capitol building.

11 Was read the second time.

12 Rep. Bordeaux moved that be amended as follows:

13 1189B

14 On page 1, line 5, of the Introduced bill, delete "in" and insert "that share the common  
15 boundaries of"

16 On page 1, line 7, of the Introduced bill, after "commission" insert ", with the agreement of  
17 the corresponding tribal government"

18 On page 1, line 8, of the Introduced bill, delete "shall" and insert "may"

19 Which motion prevailed.

20 Speaker Pro tempore Hansen now presiding.

21 The question being "Shall **HB 1189** pass as amended?"

22 And the roll being called:

23 Yeas 61, Nays 6, Excused 3, Absent 0

24 Yeas:  
25 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,  
26 Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy,  
27 Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner,  
28 Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Perry,  
29 Kent Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,  
30 St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York

31 Nays:  
32 Dennert, Deutsch, Overweg, Pischke, Weis, and Speaker Gosch

33 Excused:  
34 Beal, Lesmeister, and Soye

35 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
36 declared the bill passed and the title was agreed to.

1 **HB 1080**: FOR AN ACT ENTITLED, An Act to increase the enhanced penalty for the crime of  
2 simple assault.

3 Was read the second time.

4 Rep. Reed moved that **HB 1080** be amended as follows:

5 1080C

6 On page 1, line 16, of the House Judiciary bill, after "section" delete " or under the comparable  
7 law of any other state"

8 On page 1, line 17, of the House Judiciary bill, after "§ 22-18-1.05" delete " or under the  
9 comparable law of any other state"

10 On page 1, line 18, of the House Judiciary bill, after "§ 22-18-1.1" delete " or under the  
11 comparable law of any other state"

12 On page 1, line 19, of the House Judiciary bill, after "§ 22-18-26" delete " or under the  
13 comparable law of any other state"

14 On page 1, line 20, of the House Judiciary bill, after "§ 22-18-26.1" delete " or under the  
15 comparable law of any other state"

16 On page 1, line 21, of the House Judiciary bill, after "§ 22-18-29" delete " or under the  
17 comparable law of any other state"

18 On page 1, line 24, of the House Judiciary bill, after "offense." insert "

19 Any conviction for, or plea of guilty to, an offense in another state which, if committed in this  
20 state, would be a violation of a crime described in this section and occurring within ten years prior  
21 to the date of the violation being charged, shall be used to determine if the violation being charged  
22 is a subsequent offense."

23 Which motion prevailed.

24 The question being "Shall **HB 1080** pass as amended?"

25 And the roll being called:

26 Yeas 40, Nays 26, Excused 4, Absent 0

27 Yeas:

28 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Derby, Drury, Duba, Finck, Fitzgerald,  
29 Goodwin, Lana Greenfield, Hansen, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth,  
30 Ladner, Milstead, Miskimins, Olson, Overweg, Kent Peterson, Sue Peterson, Reed, Rehfeldt, Reimer,  
31 Schneider, St. John, Stevens, Thomason, Tidemann, Weisgram, Willadsen, Wink, and York

32 Nays:

33 Aylward, Bordeaux, Cwach, Dennert, Deutsch, Gross, Haugaard, Healy, Howard, Phil Jensen,  
34 Karr, Marty, May, Mills, Mortenson, Mulally, Odenbach, Ernie Otten, Perry, Pischke, Randolph, Jamie  
35 Smith, Vasgaard, Weis, Wiese, and Speaker Gosch

36 Excused:

37 Beal, Lesmeister, Pourier, and Soye

38 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
39 declared the bill passed and the title was agreed to.

1 **HB 1081**: FOR AN ACT ENTITLED, An Act to increase the penalty for protection order  
2 violations.

3 Having had its second reading was up for consideration and final passage.

4 The question being "Shall **HB 1081** pass as amended?"

5 And the roll being called:

6 Yeas 49, Nays 17, Excused 4, Absent 0

7 Yeas:

8 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Derby, Deutsch, Drury, Duba, Finck,  
9 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin  
10 Jensen, Karr, Keintz, Koth, Ladner, Milstead, Miskimins, Mortenson, Odenbach, Olson, Overweg,  
11 Perry, Kent Peterson, Sue Peterson, Reed, Rehfeldt, Reimer, Schneider, St. John, Stevens,  
12 Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York

13 Nays:

14 Aylward, Bordeaux, Cwach, Dennert, Healy, Phil Jensen, Chris Johnson, Marty, May, Mills,  
15 Mulally, Ernie Otten, Pischke, Randolph, Jamie Smith, Weis, and Speaker Gosch

16 Excused:

17 Beal, Lesmeister, Pourier, and Soye

18 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
19 declared the bill passed and the title was agreed to.

20 **HB 1096**: FOR AN ACT ENTITLED, An Act to provide a penalty for sexual contact with a minor  
21 by a person holding a position of authority.

22 Was read the second time.

23 Rep. Reed moved that **HB 1096** be amended as follows:

24 1096B

25 On page 1, line 7, of the House Judiciary bill, delete "Class 4" and insert " Class 6"

26 On page 1, line 17, of the House Judiciary bill, after "provider, " delete "employer, "

27 On page 1, line 19, of the House Judiciary bill, after "leader" delete ", or while holding any  
28 similar position involving the victim's supervision or trust"

29 Which motion prevailed.

30 The question being "Shall **HB 1096** pass as amended?"

31 And the roll being called:

32 Yeas 66, Nays 0, Excused 4, Absent 0

33 Yeas:

34 Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,  
35 Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,

1 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,  
2 Koth, Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie  
3 Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer,  
4 Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,  
5 Wiese, Willadsen, Wink, York, and Speaker Gosch

6 Excused:  
7 Beal, Lesmeister, Poirier, and Soye

8 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
9 declared the bill passed and the title was agreed to.

10 Speaker Gosch now presiding.

11 **HB 1075:** FOR AN ACT ENTITLED, An Act to limit directives and incentives for extreme risk  
12 protection orders and to provide a penalty.

13 Having had its second reading was up for consideration and final passage.

14 The question being "Shall **HB 1075** pass as amended?"

15 And the roll being called:

16 Yeas 59, Nays 7, Excused 4, Absent 0

17 Yeas:

18 Anderson, Aylward, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Dennert, Derby, Deutsch,  
19 Drury, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard,  
20 Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead,  
21 Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue  
22 Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, St. John, Stevens, Thomason, Tidemann,  
23 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

24 Nays:

25 Bordeaux, Cwach, Duba, Healy, Keintz, Schneider, and Jamie Smith

26 Excused:

27 Beal, Lesmeister, Poirier, and Soye

28 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
29 declared the bill passed and the title was agreed to.

30 **HB 1095:** FOR AN ACT ENTITLED, An Act to establish criteria regarding marijuana.

31 Having had its second reading was up for consideration and final passage.

32 The question being "Shall **HB 1095** pass?"

33 And the roll being called:

34 Yeas 52, Nays 14, Excused 4, Absent 0

1 Yeas:

2 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Derby, Deutsch, Drury, Finck,  
3 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Hoffman, Howard, Jamison, Kevin Jensen,  
4 Chris Johnson, Karr, Koth, Ladner, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
5 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Reed, Rehfeldt, Reimer,  
6 Schneider, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink,  
7 York, and Speaker Gosch

8 Nays:

9 Aylward, Bordeaux, Cwach, Dennert, Duba, Haugaard, Healy, Phil Jensen, Keintz, Marty,  
10 Pischke, Randolph, Jamie Smith, and Weis

11 Excused:

12 Beal, Lesmeister, Pourier, and Soye

13 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
14 declared the bill passed and the title was agreed to.

15 **HB 1135:** FOR AN ACT ENTITLED, An Act to accommodate legislation on medical services.

16 Having had its second reading was up for consideration and final passage.

17 The question being "Shall **HB 1135** pass?"

18 And the roll being called:

19 Yeas 53, Nays 13, Excused 4, Absent 0

20 Yeas:

21 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Derby, Deutsch, Drury, Finck,  
22 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin  
23 Jensen, Chris Johnson, Karr, Koth, Ladner, May, Mills, Milstead, Miskimins, Mortenson, Mulally,  
24 Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Randolph, Reed, Rehfeldt, Reimer,  
25 Schneider, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink,  
26 York, and Speaker Gosch

27 Nays:

28 Aylward, Bordeaux, Cwach, Dennert, Duba, Healy, Phil Jensen, Keintz, Marty, Ernie Otten,  
29 Pischke, Jamie Smith, and Weis

30 Excused:

31 Beal, Lesmeister, Pourier, and Soye

32 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
33 declared the bill passed and the title was agreed to.

34 **HB 1137:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in  
35 South Dakota.

36 Having had its second reading was up for consideration and final passage.



1 The question being "Shall **HB 1137** pass?"

2 And the roll being called:

3 Yeas 52, Nays 14, Excused 4, Absent 0

4 Yeas:

5 Anderson, Bartels, Barthel, Blare, Chaffee, Chase, Davis, Derby, Deutsch, Drury, Finck,  
6 Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin  
7 Jensen, Chris Johnson, Karr, Koth, Ladner, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach,  
8 Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Reed, Rehfeldt, Reimer,  
9 Schneider, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink,  
10 York, and Speaker Gosch

11 Nays:

12 Aylward, Bordeaux, Cwach, Dennert, Duba, Healy, Phil Jensen, Keintz, Marty, May, Pischke,  
13 Randolph, Jamie Smith, and Weis

14 Excused:

15 Beal, Lesmeister, Pourier, and Soye

16 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
17 declared the bill passed and the title was agreed to.

18 **HB 1182:** FOR AN ACT ENTITLED, An Act to accommodate legislation relating to the protection  
19 of public safety.

20 Having had its second reading was up for consideration and final passage.

21 The question being "Shall **HB 1182** pass?"

22 And the roll being called:

23 Yeas 49, Nays 17, Excused 4, Absent 0

24 Yeas:

25 Anderson, Bartels, Barthel, Blare, Chaffee, Davis, Derby, Deutsch, Drury, Finck, Fitzgerald,  
26 Goodwin, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr,  
27 Koth, Ladner, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg,  
28 Perry, Kent Peterson, Sue Peterson, Randolph, Reed, Rehfeldt, Reimer, Schneider, St. John,  
29 Stevens, Thomason, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

30 Nays:

31 Aylward, Bordeaux, Chase, Cwach, Dennert, Duba, Lana Greenfield, Healy, Phil Jensen, Keintz,  
32 Marty, May, Mills, Pischke, Jamie Smith, Tidemann, and Weis

33 Excused:

34 Beal, Lesmeister, Pourier, and Soye

35 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker  
36 declared the bill passed and the title was agreed to.

37 **HB 1166:** FOR AN ACT ENTITLED, An Act to make an appropriation to enhance South Dakota  
38 and to declare an emergency.

39 Having had its second reading was up for consideration and final passage.

1 The question being "Shall **HB 1166** pass?"

2 And the roll being called:

3 Yeas 49, Nays 17, Excused 4, Absent 0

4 Yeas:

5 Anderson, Bartels, Barthel, Blare, Chaffee, Davis, Derby, Deutsch, Drury, Finck, Fitzgerald,  
6 Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Chris  
7 Johnson, Karr, Koth, Ladner, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Ernie Otten,  
8 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Reed, Rehfeldt, Reimer, Schneider, St. John,  
9 Stevens, Thomason, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

10 Nays:

11 Aylward, Bordeaux, Chase, Cwach, Dennert, Duba, Goodwin, Healy, Phil Jensen, Keintz, Marty,  
12 May, Olson, Randolph, Jamie Smith, Tidemann, and Weis

13 Excused:

14 Beal, Lesmeister, Pourier, and Soye

15 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
16 the Speaker declared the bill passed and the title was agreed to.

17 **HB 1167**: FOR AN ACT ENTITLED, An Act to make an appropriation to improve South Dakota  
18 and to declare an emergency.

19 Having had its second reading was up for consideration and final passage.

20 The question being "Shall **HB 1167** pass?"

21 And the roll being called:

22 Yeas 50, Nays 16, Excused 4, Absent 0

23 Yeas:

24 Anderson, Bartels, Barthel, Blare, Chaffee, Davis, Derby, Deutsch, Drury, Finck, Fitzgerald,  
25 Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Chris  
26 Johnson, Karr, Koth, Ladner, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Ernie Otten,  
27 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, St. John,  
28 Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and  
29 Speaker Gosch

30 Nays:

31 Aylward, Bordeaux, Chase, Cwach, Dennert, Duba, Goodwin, Healy, Phil Jensen, Keintz, Marty,  
32 May, Olson, Schneider, Jamie Smith, and Weis

33 Excused:

34 Beal, Lesmeister, Pourier, and Soye

35 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
36 the Speaker declared the bill passed and the title was agreed to.

37 **HB 1169**: FOR AN ACT ENTITLED, An Act to make an appropriation for the benefit of South  
38 Dakota and to declare an emergency.

39 Having had its second reading was up for consideration and final passage.

1 The question being "Shall **HB 1169** pass?"

2 And the roll being called:

3 Yeas 49, Nays 17, Excused 4, Absent 0

4 Yeas:

5 Anderson, Bartels, Barthel, Blare, Chaffee, Davis, Derby, Deutsch, Drury, Finck, Fitzgerald,  
6 Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth,  
7 Ladner, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Kent  
8 Peterson, Sue Peterson, Pischke, Reed, Rehfeldt, Reimer, Schneider, St. John, Stevens, Thomason,  
9 Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

10 Nays:

11 Aylward, Bordeaux, Chase, Cwach, Dennert, Duba, Goodwin, Lana Greenfield, Healy, Phil  
12 Jensen, Keintz, Marty, May, Olson, Randolph, Jamie Smith, and Weis

13 Excused:

14 Beal, Lesmeister, Pourier, and Soye

15 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
16 the Speaker declared the bill passed and the title was agreed to.

17 **HB 1171**: FOR AN ACT ENTITLED, An Act to make an appropriation to promote South Dakota  
18 and to declare an emergency.

19 Having had its second reading was up for consideration and final passage.

20 The question being "Shall **HB 1171** pass?"

21 And the roll being called:

22 Yeas 48, Nays 18, Excused 4, Absent 0

23 Yeas:

24 Anderson, Bartels, Barthel, Blare, Chaffee, Davis, Derby, Deutsch, Drury, Finck, Fitzgerald,  
25 Gross, Hansen, Haugaard, Hoffman, Howard, Jamison, Kevin Jensen, Chris Johnson, Karr, Koth,  
26 Ladner, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Ernie Otten, Overweg, Perry, Kent  
27 Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, St. John, Stevens, Thomason,  
28 Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, York, and Speaker Gosch

29 Nays:

30 Aylward, Bordeaux, Chase, Cwach, Dennert, Duba, Goodwin, Lana Greenfield, Healy, Phil  
31 Jensen, Keintz, Marty, May, Olson, Schneider, Jamie Smith, Weis, and Wink

32 Excused:

33 Beal, Lesmeister, Pourier, and Soye

34 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,  
35 the Speaker declared the bill passed and the title was agreed to.

36 Rep. Karr moved to reconsider the vote by which **HB 1255** lost.

37 The question being on Rep. Karr's motion to reconsider the vote by which **HB 1255** lost.

1 And the roll being called:

2 Yeas 31, Nays 35, Excused 4, Absent 0

3 Yeas:

4 Aylward, Dennert, Deutsch, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman,  
5 Howard, Kevin Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach,  
6 Ernie Otten, Overweg, Perry, Sue Peterson, Pischke, Randolph, St. John, Vasgaard, Weis, Wiese,  
7 and Speaker Gosch

8 Nays:

9 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury,  
10 Duba, Finck, Goodwin, Healy, Jamison, Chris Johnson, Keintz, Koth, Miskimins, Mortenson, Olson,  
11 Kent Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens, Thomason, Tidemann,  
12 Weisgram, Willadsen, Wink, and York

13 Excused:

14 Beal, Lesmeister, Pourier, and Soye

15 So the motion not having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the motion lost.

17 **HJR 5005:** A JOINT RESOLUTION, Proposing and submitting to the voters at the 2022 general  
18 election a new section to Article XII of the Constitution of the State of South Dakota, relating to the  
19 creation and administration of the South Dakota forever trust fund.

20 Having had its second reading was up for consideration and final passage.

21 Rep. Hansen moved that **HJR 5005** be laid on the table.

22 The question being on Rep. Hansen's motion that **HJR 5005** be laid on the table.

23 And the roll being called:

24 Yeas 48, Nays 18, Excused 4, Absent 0

25 Yeas:

26 Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch,  
27 Drury, Duba, Finck, Goodwin, Lana Greenfield, Hansen, Healy, Jamison, Kevin Jensen, Chris  
28 Johnson, Keintz, Koth, Marty, May, Miskimins, Mortenson, Mulally, Olson, Ernie Otten, Perry, Kent  
29 Peterson, Sue Peterson, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,  
30 Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, York, and Speaker Gosch

31 Nays:

32 Aylward, Dennert, Fitzgerald, Gross, Haugaard, Hoffman, Howard, Phil Jensen, Karr, Ladner,  
33 Mills, Milstead, Odenbach, Overweg, Pischke, Randolph, Weis, and Wiese

34 Excused:

35 Beal, Lesmeister, Pourier, and Soye

36 So the motion having received an affirmative vote of a majority of the members-elect, the  
37 Speaker declared the motion carried and **HJR 5005** was tabled.

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**SIGNING OF BILLS**

The Speaker publicly read the title to

**HB 1055:** FOR AN ACT ENTITLED, An Act to authorize certain children who are subject to a military relocation to be eligible for registration with a state-approved distance learning provider.

**HB 1057:** FOR AN ACT ENTITLED, An Act to establish resident tuition requirements for veterans and armed forces personnel and family members.

**HB 1066:** FOR AN ACT ENTITLED, An Act to authorize the transfer of wind energy tax revenue from a school district general fund.

**HB 1074:** FOR AN ACT ENTITLED, An Act to limit the liability regarding authorized boiler inspections.

**HB 1098:** FOR AN ACT ENTITLED, An Act to authorize the shipment of cigars to persons in this state under certain conditions and to provide a penalty.

**HB 1113:** FOR AN ACT ENTITLED, An Act to revise certain references to the International Building Code.

And signed the same in the presence of the House.

Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 11:57 p.m. the House adjourned.

Patricia Miller, Chief Clerk

